



# House of Representatives

General Assembly

**File No. 236**

January Session, 2015

House Bill No. 6872

*House of Representatives, March 26, 2015*

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING REIMBURSEMENT OF WAGES AND DEPOSITION APPEARANCES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-312 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) An employee receiving medical attention under the provisions of  
4 this chapter and required to be absent from work for medical  
5 treatment, examination, laboratory tests, x-rays or other diagnostic  
6 procedures, and not otherwise receiving or eligible to receive weekly  
7 compensation, shall be compensated for the time lost from the job for  
8 required medical treatment and tests at the rate of such employee's  
9 average earnings, but not less than at the minimum wage established  
10 by law, provided the amount payable in any one week shall not exceed  
11 the employee's weekly compensation rate. Time lost from the job shall  
12 include necessary travel time from the plant to the place of treatment,  
13 the time for the treatment and any other time that is necessary for the  
14 treatment, examination or laboratory test. The employer shall furnish

15 or pay for the transportation of the employee by ambulance or taxi  
16 where transportation is medically required from the point of departure  
17 for treatment and return. In all other cases, the employer shall furnish  
18 the employee transportation or reimbursement for the cost of  
19 transportation actually used, at a rate equal to the federal mileage  
20 reimbursement rate for use of a privately owned automobile set forth  
21 in 41 CFR Part 301-10.303, as from time to time amended, for a private  
22 motor vehicle or the cost incurred for public transportation, from the  
23 employee's point of departure, whether from the employee's home or  
24 place of employment, and return, if the employee is required to travel  
25 beyond a one-fare limit on an available common carrier from the point  
26 of departure to the place of treatment, examination or laboratory test.  
27 Where the medical attention or treatment is provided at a time other  
28 than during the employee's regular working hours and the employee is  
29 not otherwise receiving or eligible to receive weekly compensation, the  
30 employee shall be compensated for the time involved for the medical  
31 treatment as though it were time lost from the job at the rate of the  
32 employee's average hourly earnings and shall be paid for the cost of  
33 necessary transportation as provided in this subsection.

34 (b) When a claimant is given notice to appear at a deposition,  
35 conference or an informal hearing before a commissioner and does  
36 appear, [he] the claimant shall be entitled to reimbursement of wages  
37 lost by reason of the appearance if he or she is not then receiving  
38 compensation for the appearance as provided in this subsection. When  
39 liability or extent of disability is contested by formal hearing before the  
40 commissioner, the claimant shall be entitled, if he or she prevails on  
41 final judgment, to payment for services rendered him or her by a  
42 competent physician or surgeon for examination, x-ray, medical tests  
43 and testimony in connection with the claim, the commissioner to  
44 determine the reasonableness of the charges, and [he] the claimant  
45 shall be entitled to receive payment of one-fifth of the weekly  
46 compensation, as computed in accordance with section 31-310, for each  
47 day, or part thereof, that he or she is in attendance at the formal  
48 hearing if [he] the claimant is not then receiving compensation.

49       (c) No employer shall require any person receiving medical  
50 attention under the provisions of this chapter to receive such medical  
51 attention outside the person's regular work hours if such work hours  
52 overlap or coincide with the office hours of the treating physician.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	31-312
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**LAB**       *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 16 \$	FY 17 \$
Various Municipalities	Potential Cost	See Below	See Below

**Explanation**

The bill does not result in a cost to the state, as the state does not currently require employee's appearing at a workers' compensation deposition to count the time as either unpaid time off or use their accrued time off (vacation or personal time). There may be a cost to municipalities who currently require an employee to take unpaid leave to attend a workers' compensation deposition.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****HB 6872*****AN ACT CONCERNING REIMBURSEMENT OF WAGES AND DEPOSITION APPEARANCES.*****SUMMARY:**

This bill requires a workers' compensation claimant to be reimbursed for any wages the claimant lost because he or she had to appear at a deposition before a workers' compensation commissioner. The claimant cannot be reimbursed if he or she is also reimbursed or compensated for appearing at a workers' compensation conference or hearing at the same time.

EFFECTIVE DATE: October 1, 2015

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 5      Nay 4      (03/12/2015)